

**RESOLUTION NO. CZAB11-14-02**

*WHEREAS, WILLIAM P. CALVERT, TR.* applied for the following:

- (1) AU to RU-TH
- (2) SPECIAL EXCEPTION to permit site plan approval for a residential development.
- (3) UNUSUAL USE to permit a lake excavation.
- (4) NON-USE VARIANCE OF ZONING REGULATIONS restricting private parking to adjacent groups of no more than 4 spaces with said groups separated by the use of landscape elements; to waive same.

A plan is on file and may be examined in the Zoning Department entitled "Countryside Villas," as prepared by Cad Studio Architecture, Inc., consisting of 15 sheets; to wit: Sheets A-1, A-1A, A-1B, A-1C and A-2 through A-9; and Sheets L-1, L-2 and L-3 as prepared by Hall & Bell, P.A. all dated received 9/17/01. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract 5 of MIAMI EVERGLADES LAND CO. SUBDIVISION, Plat book 2, Page 3 in Section 29, Township 54 South, Range 39 East.

LOCATION: The Southwest corner of S.W. 162 Avenue & S.W. 56 Street, Miami-Dade County, Florida, and

*WHEREAS,* a public hearing of the Miami-Dade County Community Zoning Appeals Board 11 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard and at which time the applicant requested permission to withdraw special exception (Item# 2), unusual use (Item# 3), and non-use variance (Item# 4), and proffered a covenant which, among other things provided for:

- 1) That said Property shall be developed substantially in accordance with the plans previously submitted entitled "Countryside Villas", as prepared by CAD Studio Architecture, Inc., consisting of 15 sheets; to wit: Sheet A-1 dated received June 17, 2002; and Sheets A-1A, A-1B, A-1C and A-2 through A-9; and Sheets L-1, L-2, and L-3 as prepared by Hall & Bell, P.A., all dated received September 17, 2001, and said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
- 2) That the Property shall be developed with no more than 60 single-family dwelling units.

**Revised: To correct an  
Error in the certificate page date.  
29-54-39/01-235**

- 3) Prior to October 1, 2003, Certificates of Occupancy approved for the Property shall not exceed fifty percent (50%) of the total number of units. The remaining Certificates of Occupancy shall not be approved prior to October 1, 2004.
- 4) The owner shall obtain approval for the proposed lake by the Administrative Site Plan approval process.

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-TH would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that special exception (Item# 2), unusual use (Item# 3), and non-use variance (Item# 4) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception (Item#2) and unusual use (Item# 3) would have an adverse impact upon the public interest and should be denied without prejudice, and that the proffered Declaration of Restrictions should not be accepted, and

WHEREAS, a motion to deny Items# 1-4 and to not accept the proffered Declaration of Restrictions was offered by Roy Bustillo, seconded by John Feinberg, and upon a poll of the members present the vote was as follows:

|                  |     |                |     |
|------------------|-----|----------------|-----|
| Don Abbott       | aye | Miguel Cervera | aye |
| Charlene Burks   | aye | John Feinberg  | aye |
| Roy Bustillo     | aye | Tim Hyman      | aye |
| Patrick M. Fiore | aye |                |     |

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 11, that the requested district boundary change to RU-TH be and the same is hereby denied without prejudice.

*BE IT FURTHER RESOLVED* that special exception (Item# 2), unusual use (Item# 3), and non-use variance (Item# 4) be and the same are hereby denied without prejudice, and that the proffered Declaration of Restrictions shall not be accepted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

*PASSED AND ADOPTED* this 24<sup>th</sup> day of July, 2002.

Hearing No. 00-9-CZ11-1

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**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

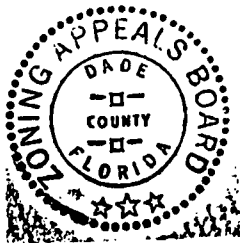
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 11, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB11-14-02 adopted by said Community Zoning Appeals Board at its meeting held on the 24<sup>th</sup> day of July, 2002.

IN WITNESS WHEREOF, I have hereunto set my hand on this 31<sup>st</sup> day of July, 2002.



\_\_\_\_\_  
Earl Jones Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

**SEAL**





DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

□ 111 NW 1 STREET, SUITE 1210  
MIAMI, FLORIDA 33128  
(305) 375-2800

PERMITTING AND INSPECTION OFFICE

11805 S.W. 26 Street  
MIAMI, FLORIDA 33175  
□ IMPACT FEE SECTION  
(786) 315-2670 • SUITE 145  
□ ZONING INSPECTION SECTION  
(786) 315-2660 • SUITE 223  
□ ZONING PERMIT SECTION  
(786) 315-2666 • SUITE 106  
□ ZONING PLANS PROCESSING SECTION  
(786) 315-2650 • SUITE 113

August 2, 2002

William P. Calvert, TR.  
c/o Ben Fernandez  
First Union Financial Center, Suite 850  
200 South Biscayne Boulevard  
Miami, Florida 33131

Re: Hearing No. 00-9-CZ11-1 (01-235)  
Location: The Southwest corner of S.W. 162 Avenue & S.W. 56 Street  
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB11-14-02, adopted by the Miami-Dade County Community Zoning Appeals Board 11, which denied your Declaration of Restrictions and application without prejudice on the above described property.

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney  
111 N.W. 1st Street, Suite 2810  
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones  
Deputy Clerk

Enclosures